

# Compulsory Redundancy Procedures for Academic Staff<sup>1</sup>

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## 1. Introduction

Once the Council has decided under Paragraph 10 of Statute 21 (see Appendix A) that there should be a reduction in the Academic staff of the University as a whole, or any Faculty, School, Department or other similar area of the University that could result in the potential redundancy of staff, then the following procedure will apply:

## 2. Potential Redundancy

The University will provide a statement to the Open University Branch of the University and College Union (OUBUCU) of the reasons for the decision that there should be a reduction in academic staff by way of redundancy. Information will be provided in accordance with the Collective Redundancies and Transfer of Undertakings Protection of Employment (Amendment) Regulations 1995 or any subsequent amendment thereof. University officers will consult with staff and the OUBUCU to identify and investigate further courses of action which might avoid, reduce or mitigate the consequences of redundancy. This will include discussing some or all of the actions listed below:

- i) re-deployment (see separate agreement)
- ii) location of additional external funding
- iii) retraining where appropriate
- iv) temporary transfers within the University
- v) implementation of part-time working, job sharing etc. where appropriate
- vi) permanent transfers of staff to other units
- vii) where it is not possible to find suitable alternative duties, and/or provided suitable alternative duties have not been unreasonably refused, early retirement or severance as appropriate, in accordance with any package approved by Council at the time, will be an option.

[This stage will operate for a minimum period of 3 months except where both sides agree otherwise.]

## 3. Compulsory Redundancy

If there are insufficient volunteers, or the other actions under Stage 2 have not achieved the required staff reductions, Council will appoint a Redundancy Committee under Paragraph 11 of Statute 21 'to select and recommend the requisite members of academic staff for dismissal by reason of redundancy' by such date as it may specify. Staff will be selected for

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<sup>1</sup> As defined by the OU Charter and Statute, the term academic staff is deemed to include research staff

redundancy by the Council on recommendation of the Redundancy Committee under paragraph 11 of Statute 21 and notices of intended dismissal shall be given in accordance with paragraph 12 giving the contractual notice period.

During the notice period every effort will be made to find suitable alternative employment including:

- i) re-deployment (see separate agreement)
- ii) location of additional external funding
- iii) retraining where appropriate
- iv) temporary transfers within the University
- v) implementation of part-time working, job sharing etc. where appropriate
- vi) permanent transfers of staff to other units
- vii) where it is not possible to find suitable alternative duties, and/or provided suitable alternative duties have not been unreasonably refused, early retirement or severance as appropriate, in accordance with any package approved by Council at the time, will be offered.

During any period within which staff are under notice by reason of redundancy, **external** (but not necessarily internal) advertising of vacant posts will be suspended where posts are of the same category (e.g. central academic) and grade, and where the staff under notice meet the essential requirements of the posts. These vacancies will be brought to their attention as they arise, and if they express an interest in a particular vacancy, they will be treated as applicants for that vacancy. Provided that they satisfy the essential requirements for the post as stated in the person specification, they will be interviewed and considered along with other candidates. Where alternative vacancies are offered, employees will be entitled to a 3 month trial period.

In addition, the University shall provide potentially redundant staff with support in the form of internally/externally provided career counselling and guidance, together with reasonable paid time off (additional to any outstanding leave entitlement) to attend external interviews and for job seeking activities.

Staff dismissed on grounds of redundancy shall receive payments which will be in accordance with any package approved by Council at the time.

Supplementary guidance on appointment of a Redundancy Committee and Appeals Procedure should be consistent with agreed disciplinary and grievance procedures.

#### 4. Addendum on Maternity leave

When a woman on maternity leave is at risk of redundancy she is entitled in law to be offered any suitable alternative vacancy. The work has to be suitable and appropriate for her. The terms and conditions of the new job must be substantially no less favourable than if she had continued under her previous contract. If such an alternative role exists it must be offered to her without a competitive process. The woman on maternity leave must be given priority for such a role over any employee at risk and must not be put into competition with any other staff not on maternity leave, regardless of whether there are other people at risk who might have been suitable for the post. The University has responsibility for deciding whether a vacancy is suitable, after considering aspects such as function, location, pay and reasonableness based on the knowledge of the personal circumstances and will make every effort to identify a suitable acceptable alternative. Appropriate consultation will take place but

special arrangements may be necessary if maternity leave has commenced. Any new role will be offered subject to a three month trial period

## STATUTE 21

### STATUTE REDUNDANCY PROCEDURE FOR ACADEMIC STAFF

#### Meaning of “redundancy”

7. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to:
  - (a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
  - (b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

### PART II REDUNDANCY

#### Purpose of Part II

8. This Part enables the Council, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

#### Exclusion from Part II of persons appointed or promoted before 20<sup>th</sup> November 1987

- (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless:
  - (a) his appointment is made, or his contract of employment is entered into, on or after 20<sup>th</sup> November 1987; or
  - (b) he is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20<sup>th</sup> November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

#### The Appropriate Body

10.
  - (1) The Council shall be the appropriate body for the purposes of this Part.
  - (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff:
    - (a) of the University as a whole; or
    - (b) of any faculty, school, department or other similar area of the University by way of redundancy

11. (1) Where the appropriate body has reached a decision under paragraph 10 (2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose
- (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
  - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise:
- (a) a Chairman; and
  - (b) two members of the Council, not being persons employed by the University; and
  - (c) two members of the academic staff nominated by the Senate.

#### **NOTICES OF INTENDED DISMISSAL**

12. (1) Where the appropriate body has approved a selection recommendation made under paragraph 11 (1) it may authorise an officer of the University as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include –
- (a) a summary of the action taken by the appropriate body under this Part;
  - (b) an account of the selection processes used by the Redundancy Committee;
  - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
  - (d) a statement as to when the intended dismissal is to take effect.